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**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEVADA**

LORETTA PUTSCHER,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS,
INC.; and DOES I through X, inclusive
jointly and severally,

Defendants.

CASE NO. 2:13-cv-01509-GMN-VCF

JOINT PRETRIAL ORDER

Following pre-trial proceedings in this cause,

IT IS SO ORDERED:

I. STATEMENT OF THE FACTS/CONTENTIONS OF THE PARTIES

This matter is a personal injury action arising out of a slip and fall that happened on July 14, 2011. Plaintiff Loretta Putscher is seeking damages against Defendant Smith's Food and Drug Centers.

II. STATEMENT OF JURISDICTION

Plaintiff is a resident of the State of Nevada. At the time of filing of the Complaint Defendant was a Foreign corporation doing business in Clark County, Nevada.

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1 Plaintiff seeks more than \$120,000 in past medical expenses, plus additional money
2 for pain and suffering. As such, the amount in controversy exceeds \$75,000.00. Diversity
3 jurisdiction is proper pursuant to 28 U.S.C. 1332.

4 **III. THE FOLLOWING FACTS ARE ADMITTED BY THE PARTIES AND**
5 **REQUIRE NO PROOF**

- 6 1. Venue is proper.
- 7 2. This lawsuit arises out of an accident that occurred on July 14, 2011.
- 8 3. Plaintiff was inside the Smith's grocery store at 6130 W. Tropicana Avenue, Las
9 Vegas, Nevada when she allegedly fell on a liquid near the produce section.

10 **IV. THE FOLLOWING FACTS, ALTHOUGH NOT ADMITTED, WILL NOT BE**
11 **CONTESTED AT TRIAL BY EVIDENCE OF THE CONTRARY**

12 None.

13 **V. THE FOLLOWING ARE THE ISSUES OF FACT TO BE TRIED AND**
14 **DETERMINED UPON TRIAL**

- 15 1.) Whether Defendant Smith's was negligent and whether such negligence was a
16 proximate cause of the accident.
- 17 2.) Whether Plaintiff was comparatively negligent and whether such negligence was a
18 proximate cause of the accident.
- 19 3.) Whether Plaintiff suffered injuries as alleged, and whether those injuries were
20 proximately caused by the accident.
- 21 4.) The amount of compensatory damages to be awarded, if any.

22 **VI. ISSUES OF LAW TO BE DETERMINED AT TRIAL**

- 23 1.) The issues of law raised in the parties' anticipated Motions in Limine.
- 24 2.) The issues of law raised by the parties at trial.
- 25 (a) The following exhibits, though not agreed as admissible evidence in this case,
26 are subject to be used by the parties. The parties will work to refine a list of
27 exhibits.
28

(1) Plaintiff's exhibits

[See attachment of all exhibits]

(2) Defendant's exhibits

[See attachment of all exhibits]

(b) As to the following additional exhibits the parties have reached the stipulation stated:

(1) To be determined.

(c) As to the following exhibits, the party against whom the same will be offered objects to their admission upon the grounds stated:

The parties reserve the right to object to the exhibits. The parties agree to preserve any such objection until seven (7) days prior to trial. As noted, the parties will work to refine a list of agreed exhibits. Further, the parties agree that each evening they will exchange the exhibits that they plan to use the following day so that any exhibit disputes/objection can be addressed by the court each morning before trial resumes.

(d) Depositions: The parties intend to offer live testimony of designated witnesses at trial. In the event that the parties are unable to call a witness and must offer deposition testimony in lieu of live testimony, the parties reserve the right to supplement this pre-trial order to designate deposition testimony to be read at trial.

(e) Objections to depositions:

(1) Plaintiff objects to Defendant's depositions as follows:

To be determined .

(2) Defendant objects to Plaintiff's depositions as follows:

To be determined.

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VII. THE FOLLOWING WITNESSES MAY BE CALLED BY THE PARTIES AT TRIAL:

(a) Plaintiff's list of witnesses:

1. Plaintiff LORETTA PUTSCHER
c/o RICHARD HARRIS LAW FIRM
801 South Fourth Street
Las Vegas, NV 89101
2. Defendant SMITH'S FOOD & DRUG CENTERS, INC.
c/o Jerry S. Busby, Esq.
Cooper Levenson April Niedelman
& Wagenheim, P.A.
6060 E. Elton Avenue, Ste. A
Las Vegas, NV 89107
3. Courtney Putscher
513 Heddell Court
Las Vegas, NV 89118
4. Dominique Putscher
513 Heddell Court
Las Vegas, NV 89118
5. Dr. Andrew Cash, M.D., P.C.
9339 W. Sunset Road, Ste. 100
Las Vegas, NV 89148
6. Adam Hjorth
Swainston Consulting Group
1541 Little Dove Court
Henderson, NV 89014
7. Person Most Knowledgeable for
Dr. Mario Tarquino
3111 S. Maryland Pkwy., Ste. 200
Las Vegas, NV 89109
8. Person Most Knowledgeable for
Spring Valley Specialty Pharmacy
2725 S. Jones Blvd., Ste. 101
Las Vegas, NV 89146
9. Person Most Knowledgeable for
Spring Valley Hospital
5400 S. Rainbow Blvd.
Las Vegas NV 89118



10. Person Most Knowledgeable for
Select Physical Therapy
5380 S. Rainbow Blvd., Ste. 100
Las Vegas, NV 89118
11. Person Most Knowledgeable for
Valley Anesthesiology Consultants
P.O. Box 400310
Las Vegas, NV 89140
12. Dr. Stuart S. Kaplan
Western Regional Center for Brain
3061 S. Maryland Pkwy., #200
Las Vegas, NV 89109
13. Person Most Knowledgeable for
The Bone and Joint Institute
2779 W. Horizon Ridge Pkwy., Ste. 200
Henderson, NV 89052
14. Person Most Knowledgeable for
Coronado Surgery Center
2779 W. Horizon Ridge Pkwy., Ste. 140
Henderson, NV 89052
15. Person Most Knowledgeable for
Surgery Center of Southern Nevada
2110 E. Flamingo Rd., #109
Las Vegas, NV 89119
16. Dr. Marjorie Belsky
Integrated Pain Specialists
9333 W. Sunset Rd., Ste. A
Las Vegas, NV 89148
17. Person Most Knowledgeable for
Las Vegas Radiology
7500 Smoke Ranch Rd.
Las Vegas, NV 89128
18. Dr. William S. Muir
653 N. Town Center Drive, #210
Las Vegas, NV 89144
19. Person Most Knowledgeable for
Desert Radiology
2020 Palomino Lane, Ste. 100
Las Vegas, NV 89106



1 20. Person Most Knowledgeable for
2 Primary Care Consultants
3 P.O. Box 778346
4 Henderson, NV 89077

5 21. Person Most Knowledgeable for
6 Neck and Back Clinics
7 P.O. Box 36853
8 Las Vegas, NV 89133

9 22. Person Most Knowledgeable for
10 Shadow Emergency Physicians
11 P.O. Box 13917
12 Philadelphia, PA 19101

13 23. Person Most Knowledgeable for
14 Walgreen Pharmacy
15 1901 E. Voorhees St.
16 Danville, IL 61834

17 24. Person Most Knowledgeable for
18 Walmart Pharmacy
19 7200 Arroyo Crossing Parkway
20 Las Vegas, Nevada 89118

21 (b) Defendant's list of witnesses:

22 1. Loretta Putscher, Plaintiff
23 c/o RICHARD HARRIS LAW FIRM
24 801 South Fourth Street
25 Las Vegas, NV 89101
26 (702) 444-4444

27 2. Kevin Spencer
28 c/o Smith's Store No. 351
6130 West Tropicana Avenue
Las Vegas, NV 89103
(702) 876-6757

3. Jessie Herbias
c/o Smith's Store No. 365
6150 West Flamingo Road
Las Vegas, NV 89103
(702) 876-6757

4. Richard M. Dix, M.D.
P.O Box 50129
Henderson, NV 89016
(702) 499-6260

5. Gary A. Presswood, ScD, PE
The Accident Expert
8635 West Sahara Avenue - #435
Las Vegas, NV 89117
(702) 233-8516

The parties agree that the witness and exhibit list may be amended as required before trial.

VIII. TRIAL DATE

The parties agree on the following dates:

January 26, 2015, February 17, 2015 and March 2, 2015.

IX. TIME FOR TRIAL

It is estimated that the trial herein will take a total of seven (7) days.

DATED this 15th day of July, 2014.

/s/ Jerry S. Busby, Esq. _____
JERRY S. BUSBY, ESQ.
COOPER LEVENSON, P.A.
6060 Elton Avenue, Ste. A
Las Vegas, NV 89107
(702) 366-1125
Fax: (702) 366-1857
Attorney for Defendants

DATED this 15th day of July, 2014.

/s/ Jonathan R. Hicks, Esq. _____
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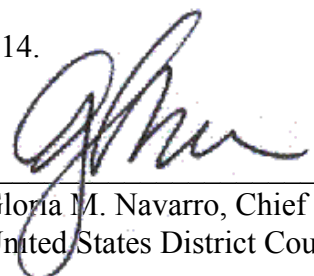
X. ACTION BY THE COURT

THE COURT HAS READ the foregoing *proposed* Joint Pretrial Order (ECF No. 22) submitted by the parties to this action on July 15, 2014, and hereby makes the following Orders:

IT IS HEREBY ORDERED that the *proposed* Joint Pretrial Order (ECF No. 22) submitted by the parties is hereby **DENIED**.

IT IS FURTHER ORDERED that a Status Hearing has been scheduled before the Honorable Gloria M. Navarro, Chief Judge, on **Friday, July 25, 2014 at the hour of 9:00 a.m.** in Courtroom 7D of the United States District Court.

IT IS SO ORDERED this 16th day of July, 2014.


Gloria M. Navarro, Chief Judge
United States District Court